

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C96-133

In the matter of:
Jonathan N. Tweed, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Jonathan N. Tweed, M.D. Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by Investigating Committee I, so called, of the Board.

Investigating Committee I reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Investigating Committee's Finding of Facts with respect to the professional performance of the Respondent.

Finding of Facts

1. The Respondent was placed on Probation by the Board of Medical Licensure and Discipline in 1992 following two arrests by East Greenwich police: one, for driving with a suspended license and possession of Cocaine, and the next for disorderly conduct. The Probationary period lasted three years while the Respondent completed a three year contract with the Physician's Health Committee of the Rhode Island Medical Society. The Respondent successfully completed the contract, according to the Physician's Health Committee.
2. In 1996, the Board learned that the Respondent had been arrested by Jamestown (simple assault upon a police officer) and Narragansett (obstruction of an officer) police departments. Both charges involved the use of alcoholic beverages by the Respondent.
3. During the investigation of the Respondent's conduct the Department of Health, Division of Drug Control, informed the Board that the Respondent was practicing medicine at a walk-in clinic with a lapsed Rhode Island State Drug Control Registration and Federal Drug Enforcement Administration Certificate. The Respondent had applied for a renewal certificate with the Division of Drug Control. The renewal application was pending during which time the Division of Drug Control investigated the activities of the Respondent. This

investigation revealed, inter alia, that the Respondent continued to write prescriptions on a lapsed Drug Control Registration.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. MD7048.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;

- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order

dismissing the charges.

(6) This Consent Order constitutes an acceptance by the Respondent the terms set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's finding of unprofessional conduct. His license to practice medicine is hereby suspended. This suspension shall be stayed while the Respondent completes an outpatient therapy program for alcoholism. This therapy shall be undertaken by a physician approved by the Board and the Physician's Health Committee of the Rhode Island Medical Society. The Respondent shall execute releases for the Board to receive any information it wishes from this physician and other therapists.

Further, the Respondent shall be on probation for a period of three years from the date of Ratification of this Order. During this probation period the Respondent shall

adhere to each of the following conditions:

1. The Respondent hereby agrees to waive confidentiality, as to the Board of Medical Licensure and Discipline, regarding any and all medical and psychological evaluations, reports and records of providers of care, treatment or evaluations.
2. The Respondent shall enter into a three (3) year contract with the Physician's Health Committee of the Rhode Island Medical Society. This contract will begin on the date of ratification of this Order and shall supersede any previous agreement with this Committee.
3. The Respondent shall execute a release for the Committee to send quarterly reports to the Board of the Respondent's compliance, or lack thereof, with the terms of this agreement or any recommendations that the Committee may make from time to time.
4. The Respondent shall be seen by any health care provider that the Committee may require.
5. The Respondent shall submit to random alcohol/drug screens as often as the Board or the Committee or treatment providers may require. Such required screening

test results must be sent to the Physician's Health Committee or the Board or both parties as the Board shall deem appropriate during the term of this contract.

6. The Respondent shall abstain totally from the use of alcohol and illegal drugs. The respondent may take prescription medications only when prescribed by a treating physician licensed to practice medicine.

7. The Respondent shall participate in Alcoholic's Anonymous (AA) Meetings each day for the next 90 days. Compliance must be documented by the chair of each meeting in writing. Following this 90 day period, the Respondent will attend AA at least three times per week for the duration of the probationary period.

8. The Respondent understands that a failure to comply with each and every term of this probation agreement may result in disciplinary action by the Board. Such action may be the summary suspension of the Respondent's license to practice medicine.

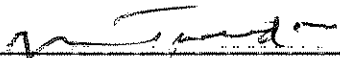
9. The Board requires that each relapse, slip, or positive alcohol or drug screen be reported to the Board. The Board will inquire and investigate such reports and will

determine if disciplinary action is warranted under the circumstances.


10. If disciplinary action is taken it will be reported publicly to the Federation of State Medical Boards, the National Practitioner Data Bank, health care facilities in the state and any other State in which the Respondent is licensed.

11. The Respondent will pay an Administrative Fee of Five Hundred (\$500.00) Dollars within 60 days of ratification of this Order.

Signed this 28 day of May 1996.


Jonathan N. Tweed, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on 29 May 1996.


Patricia A. Nolan, MD, MPH
Director of Health